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10/801,767	03/16/2004	Kazumoto Kondo	09812.0413	3421

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EXAMINER
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PARKER, BRANDON

ART UNIT	PAPER NUMBER
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2174

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07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/801,767

Applicant(s)

KONDO ET AL.

Examiner

Brandon Parker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The examiner acknowledges the applicant's submission on 04/09/2007, wherein claims 1 and 4-12 have been amended, claims 2 and 3 have been cancelled and claims 1 and 4-12 remain pending in the application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitaka et al (US Publication 2003/0220995, hereinafter "Hitaka")

**Regarding claim 1**, an information processing system comprising: a data storage apparatus (i.e. photo site) for storing (i.e. saves) data wherein the data (Par. 0124 lines 1 and 2) comprise thumbnail picture data (i.e. thumbnail), a thumbnail picture URL (i.e. thumbnail URL) associated with the thumbnail picture data (i.e. thumbnail), (Par. 0125 lines 1-4), a picture URL associated with the thumbnail picture URL (Par. 0208 lines 1-16), and picture data, wherein the thumbnail picture data is a reduced display of the picture data (Par. 0125 lines 1-4, 0459 lines 1-3):

a first viewing apparatus (i.e. third information processing apparatus) for accessing the data stored in the data storage apparatus (i.e. first information processing apparatus); a second viewing apparatus (i.e. second information processing apparatus)

(Hitaka Claim 14): a network (104, Fig. 1 Drawing): a connection apparatus (i.e. user PC) for connecting the first viewing apparatus (i.e. photo site) to the second viewing apparatus (i.e. print site), (Par. 0128 lines 1-5) over the network (Internet, Fig. 1 Drawing):

supplying means for supplying the data (i.e. storing the data received) from the data storage apparatus (i.e. third information processing apparatus) to the first viewing apparatus (i.e. first information processing apparatus), (Hitaka Claim 14) ; and transmitting means for transmitting (i.e. transferring) the data from the first viewing apparatus to the second viewing apparatus (Hitaka Claim 4) over the network (Internet, Fig. 1 Drawing) , wherein

the second viewing apparatus (i.e. second information processing apparatus), comprises acquiring (i.e. acquires), from the data storage apparatus (first information processing apparatus that stores data), (Claim 11), the thumbnail picture data associated with the thumbnail picture URL transmitted (i.e. sent) from the first viewing apparatus (i.e. photo site) by the transmitting means when the thumbnail picture URL is supplied by the supplying means (i.e. upon reception) and the thumbnail picture URL is sent to the second viewing apparatus (i.e. print site), (Par. 0125 lines 1-7). (note: the apparatuses can be used interchangeably being that the apparatuses store, transfer, and connect data via network).

**Regarding claim 4**, the information processing system wherein when enlarging the thumbnail picture data the first viewing apparatus sends the thumbnail picture URL (i.e. thumbnail URL) to the data storage apparatus (i.e. print site); the data storage

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apparatus URL associated with the thumbnail picture URL to the first viewing apparatus; and the first viewing apparatus (i.e. photo site) acquires the picture data (i.e. the image) associated with the picture URL (URL) from the data storage apparatus (Par. 0406 lines 1-4).

**Regarding claim 5**, the information processing system wherein the data transmitted by the transmitting means (i.e. transferring) is sent to the second viewing apparatus (i.e. information processing apparatus) through the connection apparatus (i.e. another information processing apparatus), (Hitaka Claim 4).

**Regarding claim 6**, information processing apparatus (i.e. print site) comprising thumbnail picture URL (i.e. thumbnail URL) acquisition means for acquiring (i.e. acquires) a thumbnail picture URL (1105 Fig. 10 Drawing) associated with thumbnail picture data (i.e. thumbnail image) stored in a data storage apparatus (i.e. photo site) (Par. 0127 lines 1-4);

connecting means for connecting (i.e. Internet connection gateway) to a viewing apparatus (i.e. photo site) for exchanging data therewith (Par. 0169 lines 7-11);

thumbnail picture URL supplying means (i.e. sends an order start) for supplying the thumbnail picture URL, obtained by the thumbnail picture URL acquisition means (i.e. thumbnail image acquisition URL), to the viewing apparatus (i.e. photo site), (Par. 0321 lines 3-5), connected by the connecting means (i.e. connected to the user pc), (Par. 0323 lines 1-5);

thumbnail picture data acquisition means for acquiring the thumbnail picture data (i.e. thumbnail image) from the data storage apparatus, based on the thumbnail picture obtained by the thumbnail picture URL acquisition means URL (Par. 0322 lines 1-4);

displaying means for displaying a thumbnail picture derived from the thumbnail picture data obtained by the thumbnail picture data acquisition means (Par. 0323 lines 3-5);

selecting means for selecting with a cursor (i.e. select field) the thumbnail picture URL associated with the thumbnail picture data of the thumbnail picture (1705 Fig. 16 Drawing) from among a plurality of thumbnail pictures (i.e. album) displayed by the displaying means (Par. 0323 lines 1-6) and

transmitting means for transmitting the thumbnail picture URL (i.e. thumbnail URL), selected by the selecting means, to the viewing apparatus (i.e. print site), connected by the connecting means (i.e. photo site) (Par. 0223 lines 1-12, Par. 0324 lines 1-4).

**Regarding claim 7**, the information processing apparatus comprising verifying means for verifying whether a command has been issued for enlarging the thumbnail picture (i.e. preview image) derived from the thumbnail picture data URL (1705 Fig. 16 Drawing) selected by the selecting means (Par. 0324 lines 1-4);

enlarging means for sending, when the verifying means has verified that the command has been issued for enlarging the thumbnail picture, the thumbnail picture URL selected by the selecting means to the data storage apparatus, for obtaining a

picture URL associated with thumbnail picture URL, obtained by the enlarging mean, to the viewing apparatus.

**Regarding claim 8**, the information processing apparatus (i.e. photo site) wherein a connection to the viewing apparatus (i.e. print site) made by the connecting means (internet, Fig. 1 Drawing) is via a connection apparatus (i.e. user PC), (Par. 0128 lines 1-5).

**Regarding claim 9**, the information processing apparatus wherein the displaying means displays a thumbnail picture derived from the thumbnail picture data acquired (i.e. acquisition) by the thumbnail picture data acquisition means and further displays the information for allowing a user to recognize a thumbnail picture displayed on a display unit of the viewing apparatus (Par. 0323 lines 1-5). Note: a user will recognize a thumbnail image being that it is displayed.

**Regarding claim 10**, an information processing method comprising a thumbnail picture URL acquisition control step (i.e. acquisition means for acquiring the data controlled) of controlling the acquisition of a thumbnail picture URL associated with thumbnail picture data (1705 Fig. 16 Drawing) stored in a data storage apparatus (i.e. information processing apparatus), (Hitaka Claim 17, Claim 18);

A connecting step of providing a connection (i.e. Internet connection gateway) to a viewing apparatus (i.e. photo site) for enabling data exchange therewith (Par. 0169 lines 7-11, Par. 0171 lines 1-10);

A thumbnail picture URL supplying step for supplying the thumbnail picture URL, the acquisition (Par. 0321 lines 3-5) of which has been controlled by the processing of

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the thumbnail picture URL acquisition control step (i.e. reception step, control step), to the viewing apparatus (i.e. information processing apparatus), connected by processing of the connecting step (Hitaka Claim 19);

a thumbnail picture data (i.e. thumbnail picture) acquisition control step (i.e. upon reception) of accessing the data storage apparatus, based on the thumbnail picture URL (i.e. thumbnail URL), (Par. 0125 lines 1-5), obtained by the processing of the thumbnail picture URL (1705 Fig. 16 Drawing) acquisition control step (i.e. acquiring the data controlled), for controlling the acquisition of the thumbnail picture data (Hitaka Claim 24);

a display control step of controlling the display of a thumbnail picture derived by the processing of the thumbnail picture data acquisition control step (i.e. display the acquired thumbnail image), (Par. 0128 lines 1-4, Claim 20);

a selecting step of selecting with a cursor the thumbnail picture URL (1705 Fig. 16 Drawing) associated with the thumbnail picture data of the thumbnail picture, from among a plurality of thumbnail pictures (i.e. album) displayed (Par. 0129 lines 1-4) by the processing of the display control step, (control step Claim 19); and

a thumbnail picture URL supplying step of supplying the thumbnail picture URL (i.e. thumbnail image acquisition URL), selected by the selecting step (4300 Fig. 34 Drawing), to the viewing apparatus (i.e. print site), (Par. 0323 lines 1-5), connected by the processing of the connecting step (Par. 0171 lines 1-10).

**Regarding claim 11**, a computer-readable medium having computer program for executing an information processing method (Par. 0485 lines 1-10), the method



comprising a thumbnail picture URL associated with thumbnail picture data (1705 Fig. 16 Drawing) stored in a data storage apparatus (Par. 0488 lines 1-4);

a connecting step of providing a connection (i.e. Internet connection gateway) to a viewing apparatus (i.e. photo site) for enabling data exchange therewith (Par. 0169 lines 7-11);

A thumbnail picture URL supplying step for supplying the thumbnail picture URL, the acquisition (Par. 0321 lines 3-5) of which has been controlled by the processing of the thumbnail picture URL acquisition control step (i.e. reception step, control step), to the viewing apparatus (i.e. information processing apparatus), connected by processing of the connecting step (Hitaka Claim 19);

A thumbnail picture data (i.e. thumbnail picture) acquisition control step (i.e. upon reception) of accessing the data storage apparatus, based on the thumbnail picture URL (i.e. thumbnail URL), (Par. 0125 lines 1-5), obtained by the processing of the thumbnail picture URL (1705 Fig. 16 Drawing) acquisition control step (i.e. acquiring the data controlled), for controlling the acquisition of the thumbnail picture data (Hitaka Claim 24);

a display control step of controlling the display of a thumbnail picture derived by the processing of the thumbnail picture data acquisition control step (i.e. display the acquired thumbnail image), (Par. 0128 lines 1-4, Claim 20);

a selecting step of selecting with a cursor the thumbnail picture URL (1705 Fig. 16 Drawing) associated with the thumbnail picture data of the thumbnail picture, from

among a plurality of thumbnail pictures (i.e. album) displayed (Par. 0129 lines 1-4) by the processing of the display control step, (control step Claim 19); and

a thumbnail picture URL supplying step of supplying the thumbnail picture URL (i.e. thumbnail image acquisition URL), selected by the selecting step (4300 Fig. 34 Drawing), to the viewing apparatus (i.e. print site), (Par. 0323 lines 1-5), connected by the processing of the connecting step (Par. 0171 lines 1-10).

**Regarding claim 12**, a computer program on a computer-readable medium for executing an information processing method (Par. 0485 lines 1-10, Par. 0488 lines 1-5) the method comprising:

a thumbnail picture URL acquisition control step of controlling the acquisition (i.e. acquiring the data controlled), (Hitaka Claim 20) of a thumbnail picture URL associated with thumbnail picture data (1705 Fig. 16 Drawing) stored in a data storage apparatus (Par. 0488 lines 1-4);

a connecting step of providing a connection (i.e. Internet connection gateway) to a viewing apparatus (i.e. photo site) for enabling data exchange therewith (Par. 0169 lines 7-11);

A thumbnail picture URL supplying step for supplying the thumbnail picture URL, the acquisition (Par. 0321 lines 3-5) of which has been controlled by the processing of the thumbnail picture URL acquisition control step (i.e. reception step, control step), to the viewing apparatus (i.e. information processing apparatus), connected by processing of the connecting step (Hitaka Claim 19);

A thumbnail picture data (i.e. thumbnail picture) acquisition control step (i.e. upon reception) of accessing the data storage apparatus, based on the thumbnail picture URL (i.e. thumbnail URL), (Par. 0125 lines 1-5), obtained by the processing of the thumbnail picture URL (1705 Fig. 16 Drawing) acquisition control step (i.e. acquiring the data controlled), for controlling the acquisition of the thumbnail picture data (Hitaka Claim 24);

a display control step of controlling the display of a thumbnail picture derived by the processing of the thumbnail picture data acquisition control step (i.e. display the acquired thumbnail image), (Par. 0128 lines 1-4, Claim 20);

a selecting step of selecting with a cursor the thumbnail picture URL (1705 Fig. 16 Drawing) associated with the thumbnail picture data of the thumbnail picture, from among a plurality of thumbnail pictures (i.e. album) displayed (Par. 0129 lines 1-4) by the processing of the display control step, (control step Claim 19); and

a thumbnail picture URL supplying step of supplying the thumbnail picture URL (i.e. thumbnail image acquisition URL), selected by the selecting step (4300 Fig. 34 Drawing), to the viewing apparatus (i.e. print site), (Par. 0323 lines 1-5), connected by the processing of the connecting step (Par. 0171 lines 1-10).

### ***Response to Arguments***

With the amendments made, the U.S.C. § 112 rejections and the objection to the specification are withdrawn.

Applicant's remarks regarding Hitaka failing to anticipate independent claims 1-12 have been fully reconsidered but are not persuasive.

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Regarding independent claims 1 and 6, applicant argues Hitaka does not teach or suggest acquiring means and the *amended claimed* acquiring means involves data exchange among three apparatuses. In response, Hitaka discloses data exchange between three apparatuses (i.e. first apparatus, second apparatus, third apparatus) wherein **first information processing apparatus** include a process for **storing data received** from a **third information processing apparatus** (Hitaka claim 14) and **first information processing apparatus** that **stores data**, and a **second information processing apparatus** which **acquires the data** and executes an output process (Hitaka Claim 11).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Parker whose telephone number is 571-270-1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2302.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP  
06/18/2007



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